

### **Drawings**

Figures: Fig.1, Fig.2, Fig.3, Fig.4, Fig.5, Fig.6, and Fig.7, are replaced in order to comply with Examiner objection to the drawings as stated in paragraph 3. of the office action.

The replacement drawings are attached to this communication.

### **35 U.S.C. § 102 Claim Rejections**

On Pages 3-5 of the Office Action, in Paragraphs 4-7 the Examiner has rejected claims 40 - 42 under 35 U.S.C. §102(e) as being anticipated by Johnson et al. US Patent No. 6,497,599 ("**Johnson**").

One of the novel features of the current invention is having a consideration-related policy database over the Internet that according to this database the gateways connect devices to the Internet. In Johnson et al., a database is actually a part of every gateway (as read by the examiner, see previous applicant respond dated May 20, 2007). The examiner noted that the phrase "functionally associated with" that was used in the applicant's claims can be read such that the database is within the gateway.

The claims are therefore amended to distinguish the novel features from prior art as suggested by the examiner, thus placing the application in condition for allowance.

The amended claims are as follows:

40. (**Currently amended**) A gateway to a packet based data network comprising:

A transceiver adapted to establish a radio frequency link with a mobile device;

An interface adapted to facilitate data flow between the mobile device and the data network; and

A controller adapted to regulate data flow between the mobile device and the data network based on information stored on a consideration related policy database, which is connected to ~~functionally associated with~~ the data network.

41. **(Currently amended)** A communication system comprising:

~~A consideration-related policy database connected to two or more gateways functionally associated with a packet based data network, two or more gateways functionally associated with a packet based data network,~~ wherein each gateway comprises:

A transceiver adapted to establish a radio frequency link with a mobile device;

An interface adapted to facilitate data flow between the mobile device and the data network; and

A controller adapted to regulate data flow between the mobile device and the data network based on information stored on a consideration related policy database, ~~functionally associated with the data network.~~

42. **(Currently amended)** A method of providing data to a mobile device comprising:

Establishing a data link between the mobile device and a radio frequency transceiver functionally associated with a packet based data network;

Regulating data between the mobile device and the packet based data network based on information stored on a consideration related policy database which is connected on the ~~functionally associated with the packet based data network.~~

In distinction to **Johnson**, and in addition to all applicant arguments in his response to the previous office action dated May 20, 2007, the applicant argues that the present invention and amended claims disclose a gateway (claim 40), a communication system (claim 41) and a method (claim 42), all of them have the final

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limitation that the "**information stored on a consideration-related policy database, which is connected to the data network**".

The following is an example to show the relevancy of this specific limitation "**which is connected to the data network**". Assume a gateway that allows a user to connect through it to the Internet. In this invention we do not assume that the gateway has the criteria to decide who is eligible to connect through the gateway. This invention has the limitation (feature) that the gateway's criteria is located somewhere in the Internet and is "**based on information stored on a consideration related policy database which is connected to the data network**" and not in the gateway or its controller. Such a feature is not disclosed, taught or suggested by **Johnson**.

The Applicant has carefully reviewed the cited prior art, namely **Johnson** et al (US 6,497,599) and the previous cited prior art **Barany** et al (US 6,944,146). These cited prior art do not disclose, teach or suggest any of the amended claims 40 through 42.

In view of the foregoing remarks, the amended claims 40 through 42 are considered allowable. Their allowance is respectfully requested.

Respectfully submitted,



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